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California Law Review

Published by the Faculty and Students of the School of Jurisprudence of the University of California, and issued Bi-monthly throughout the Year 

Subscription Price, \$3.50 Per Year

Single Copies, 65 Cent

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AMERICAN BAR ASSOCIATION

The plans for the meeting of the American Bar Association in San Francisco are rapidly maturing. The date has been set for August 9, 10, 11. San Francisco is an ideal city for a summer convention, and there is the added attraction for visitors from the east in the opportunity afforded to visit so many places world-renowned for their scenic beauty. The expense has been greatly reduced by favorable railroad rates, and the choice of routes and stopover privileges are most liberal. The usual San Francisco hotel rates will prevail throughout the convention.

Chief Justice Taft and probably Elihu Root will be among those present. The main address will be delivered by Secretary of State Hughes. In view of the recent Limitation of Armaments

Conference in Washington, and its bearing on Pacific Ocean affairs, this address should be one of the most noteworthy ever delivered in the west. The foreign guest of honor will be Lord Shaw of Dunfermline. Lord Shaw is one of the greatest of contemporary judges. A most interesting opinion of his in the House of Lords is the dissent in *Rex v. Halliday*, [1917] A. C. 260. Parliament passed an act, "His Majesty in Council has power during the continuance of the present war to issue regulations for securing the public safety and the defence of the realm." The Council passed a regulation that when "it appears to the Secretary of State that for securing the public safety or the defence of the realm it is expedient in view of the hostile origin or associations of any person," he may issue an order of internment. The appellant, a naturalized alien, was interned without trial by such an order. It was of course conceded that Parliament might have passed a law to that effect had it so wished, there being in England no constitutional limitations on the power of Parliament, but it was the opinion of Lord Shaw that the act and the regulations under it must be construed in the light of the general principles of liberty developed in England during its history. His vigorous dissent should appeal to Americans who have enshrined these provisions in their written constitutions.

Lord Shaw's style is vigorous, as may be seen from the following excerpts: "My Lords, I reckon this appeal to be in the first class of importance." "I am clearly of opinion that, although bearing to be a regulation, this is, in truth and essentially, not a regulation at all, and that it was ultra vires of His Majesty in Council to issue under the guise of a regulation an authorization for the apprehension, seizure, and internment without trial of any of the lieges." "The power to issue regulations for the public safety and for the defence of the realm is vested by the Act in His Majesty in Council. In the course of the discussion this was incidentally alluded to in connection with the Royal prerogative. My Lords, it has nothing to do with the Royal prerogative. If once again, and ever so slightly, that prerogative gets into association with executive acts done apart from clear parliamentary authority, it will be an evil day: that way lies revolution. Do not let the thing which has been done—in my opinion a violent thing—be associated for one moment with, or at any point be said to be supported by, Royal prerogative. Its validity depends upon the Act of Parliament alone." "The appel-

lant has not been guilty of any offense against the regulation; there is nothing for which to try him as an offender against it. No charge is made against him; he may appeal for that in vain. He has complied with the regulation, in the sense that he has been its victim. If he had violated it in any particular he would have had his right to trial; but his case is hopeless in that regard." "Against regulations, in their generality, as thus construed, nothing can stand. No rights, be they as ancient as Magna Carta, no laws, be they as deep as the foundations of the Constitution: all are swept aside by the generality of the power vested in the Executive to issue 'regulations'." "Under this the Government becomes a Committee of Public Safety. But its powers as such are far more arbitrary than those of the most famous Committee of Public Safety known to history. It preserved a form of trial, of evidence, of interrogations. And the very homage which it paid to law discovered the odium of its procedure to the world. But the so-called principle—the principle of prevention, the comprehensive principle—avoids the odium of that brutality of the Terror. The analogy is with a practice, more silent, more sinister—with the *lettres de cachet* of Louis Quatorze. No trial: proscription. The victim may be 'regulated'—not in his course of conduct or of action, not as to what he should do or avoid doing. He may be regulated to prison or the scaffold." "The use of the Government itself as a Committee has its conveniences, has its advantages." Referring to the Star Chamber and the fact that it probably succeeded in punishing many crimes which would otherwise have gone unpunished, the learned judge quotes from Maitland: "But that it was a tyrannical court, that it became more and more tyrannical, and under Charles I, was guilty of great infamies, is still more indubitable. . . . It was a court of politicians enforcing a policy, not a court of judges administering the law."

The National Conference of Commissioners on Uniform State Laws will meet during the week preceding the Bar Association. The value of the work of these Commissioners has never been fully recognized in California, and it is to be hoped that as a result of this Conference the next legislature will pass a number of acts to bring the law of California into harmony with the law of other states. Among the interesting subjects on which the Commissioners will work during this session is one for a uniform mortgage law. This, if properly drafted and passed, should free California from many of the intricacies of the present system.

SUMMER SESSION

Another convention in which the law school is interested by reason of its courses in Criminology is that of the International Association of Chiefs of Police, which meets during the week beginning June 19, 1922. These conventions have been conveniently placed with reference to the Summer Session of the University of California. The Summer Session this year extends from June 26 to August 5, 1922. Dean Bates of the University of Michigan was unavoidably compelled to cancel his engagement to give a course in Constitutional Law during the Summer Session, as previously announced, but in his place Judge Andrew A. Bruce of the University of Minnesota will give two courses, one in Suretyship and one in Damages. Judge Bruce was formerly Chief Justice of North Dakota, and resigned because of his unwillingness to remain with certain colleagues who, to paraphrase the words of Maitland quoted above, were enforcing the soviet policies of the Non-Partisan League instead of acting as judges of a court of law. Judge Bruce is the author of the recently published "Non-Partisan League of North Dakota," and of many articles in legal periodicals.

It is significant of the current interest in the law as a science that Columbia University should include in its Summer Session work, July 10 to August 18, special conferences in Jurisprudence. Dean Roscoe Pound of the Harvard Law School will give Sociological Jurisprudence; Professor John Dewey, Some Problems in the Logic and Ethics of the Law; and Professor Walter W. Cook, Some Problems in Legal Analysis. The conferences are intended for members of the bar, teachers of law, and advanced students of law.